GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

BENGAL SECRETARIAT LIBRARY

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886,

AS MODIFIED UP TO 1ST JUNE, 1891.

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STATEMENT OF REPEALS AND AMENDMENTS.

REPEALED IN PART	II of 1891, s. 4 (*2*). XII of 1891.
AMENDED	XVI of 1890.

The following changes have been made in reprinting the Act:—

(1) repealed matter has been omitted, explanatory notes being inserted:

(2) amendments have been inserted in their proper places, with explanatory footnotes

(3) some further footnotes have been added for convenience of reference.

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BENGAL SECRETARIAT LIBRARY

ACT No. VI of 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th March, 1886.)

An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

[As modified up to 1st June, 1891.]

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872[a] or the Indian Christian Marriage Act, 1872,[b] and of certain marriages registered under the Parsi Marriage and Divorce Act, 1865,[c] and for the establishment of general registry offices for keeping registers of those births, deaths and marriages;

XV of 1872.

XV of 1865.

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the

[a] Printed, General Acts, 1867-76, Ed. 1887, p 302.

[b] For Act XV of 1872 see the revised edition, as modified up to 1st April, 1891, published by the Legislative Department.

[c] Printed, General Acts, 1834-66, Ed. 1887, p 530.

the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Births, Deaths and Marriages Registration Act, 1886; and

(*2*) It shall come into force on such day[a] as the Governor General in Council, by notification in the Gazette of India, directs.[b]

Local extent.

2. This Act extends to the whole of British India[c], and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

"sign" includes mark, when the person making the mark is unable to write his name:

"prescribed" means prescribed by a rule made by the Governor General in Council under this Act: and

"Registrar of Births and Deaths" means a Registrar of Births and Deaths appointed under this Act.

Saving of local laws

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Powers exerciseable from time to time.

5. All powers conferred by this Act may be exercised from time to time as occasion requires.

CHAPTER II.

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[a] The 1st October, 1888—see Gazette of India, 1888, Pt. I, p. 336.

[b] Sub-s. (*3*), repealed by Act XII of 1891, is omitted.

[c] It has been extended, by notification under the Scheduled Districts Act, 1874, to Upper Burma (except the Shan States) [see Burma Gazette, 1888, Pt. I, p. 544], and Gazette of India, 1888, Pt. I, p. 528, and, by notification under s. 3 of the Sonthal Regulation, 1872, to the Sonthal Pergunnahs [see Calcutta Gazette, 1889, Pt. I, p. 176]. It has been declared in force in British Baluchistan by Regulation I of 1890, s. 3.

CHAPTER II.

General Registry Offices of Births, Deaths and Marriages.

Establishment of general registry offices and appointment of Registrars General.

6. (*1*) Each Local Government—

(*a*) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872[a] (*to provide a form of marriage in certain cases*) or the Indian Christian Marriage Act, 1872,[b] or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay, under the Parsi Marriage and Divorce Act, 1865,[c] as may be sent to it under this Act, or under any of the three last-mentioned Acts, as amended by this Act; and

XV of 1872.

XV of 1865.

(*b*) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:

(*2*) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

Indexes to be kept at general registry office.

7. Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 302.

[b] For Act XV of 1872 see the revised edition, as modified up to 1st April, 1891, published by the Legislative Department.

[c] Printed, General Acts, 1834-66, Ed. 1887, p. 530.

of registers sent to his office under this Act, or under Act III of 1872,[a] the Indian Christian Marriage Act, 1872, [b] or the Parsi Marriage and Divorce Act, 1865, [c] as amended by this Act, to be made and kept in his office in the prescribed form. XV of 1872. XV of 1865.

Indexes to be open to inspection.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

Copies of entries to be admissible in evidence.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

Superintendence of Registrars by Registrar General.

10. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

Persons whose births and deaths are registrable.

11. (*1*) The persons whose births and deaths shall, in the first instance, be registrable under this Chapter are the following, namely :—

(*a*) in British India, the members of every race, sect or tribe to which the Indian Succession Act,

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 302.

[b] For Act XV of 1872 see the revised edition, as modified up to 1st April, 1891, published by the Legislative Department.

[c] Printed, General Acts, 1834-66, Ed. 1887, p. 530.

X of 1865.

Act, 1865,[a] applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion;

(*b*) in the dominions of Princes and States in India in alliance with Her Majesty, British subjects being members of a like race, sect or tribe, or professing the Christian religion:.

(*2*) But the Local Government, by notification in the official Gazette, may, with the previous approval of the Governor General in Council, extend the operation of this Chapter to any other class of persons either generally or in any local area.

B.—Registration Establishment.

Power for Local Government to appoint Registrars for its territories.

12. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may define and, if it sees fit, for any class of persons within any part of those territories.

Power for Governor General in Council to appoint Registrars for Native States.

13. The Governor General in Council may, by notification in the Gazette of India, appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the dominions of any Prince or State in India in alliance with Her Majesty as he may define and, if he sees fit, for any class of persons within any part of those dominions.

Registrar to be deemed a public servant.

14. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code.[b]

XLV of 1860.

Power to remove Registrars.

15. (*1*) The Local Government or the Governor General

[a] For Act X of 1865 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

General in Council, as the case may be, may suspend, remove or dismiss any Registrar of Births and Deaths.

(*2*) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government or to the Governor General in Council, as the case may be, his intention to do so, and, on his resignation being accepted by the Local Government or the Governor General in Council, he shall be deemed to have vacated his office.

Office and attendance of Registrar.

16. (*1*) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories or dominions, for which he is appointed.

(*2*) Every Registrar of Births and Deaths to whom the Local Government may direct this sub-section to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

Absence of Registrar or vacancy in his office.

17. (*1*) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Local Government appoints in this behalf, shall be the Registrar of Births and Deaths

Deaths during such absence or until the Local Government fills the vacancy.

(*2*) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(*3*) The Registrar General of Births, Deaths and Marriages shall report to the Local Government all appointments made by him under this section.

Register books to be supplied and preservation of records to be provided for.

18. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

C.—Mode of Registration.

Duty of Registrar to register births and deaths of which notice is given.

19. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book:

Provided that—

(*a*) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made; and

(*b*) he shall not enter in the register the name of any person as father of an illegitimate child, unless

unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorized to give notice of birth.

20. Any of the following persons may give notice of a birth, namely:—

(*a*) the father or mother of the child;

(*b*) any person present at the birth;

(*c*) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house;

(*d*) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;

(*e*) any person having charge of the child.

Persons authorized to give notice of death.

21. Any of the following persons may give notice of a death, namely:—

(*a*) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;

(*b*) any person present at the death;

(*c*) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house;

(*d*) any person in attendance during the last illness of the deceased;

(*e*) any person who has seen the body of the deceased after death.

Entry of birth or death to be signed by person giving notice.

22. (*1*) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(*2*) Until the entry has been so signed, the birth or

or death shall not be deemed to be registered under this Act.

(*3*) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

Grant of certificate of registration of birth or death.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

Duty of Registrars as to sending certified copies of entries in register books to Registrar General.

24. (*1*) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals:

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

(*2*) The

(*2*) The provisions of sub-section (*1*) shall apply to every Registrar of Births and Deaths in the dominions of any Prince or State in India in alliance with Her Majesty, with this modification that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, by notification in the Gazette of India, appoints in this behalf.

Searches and copies of entries in register books.

25. (*1*) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(*2*) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

Exceptional provision for registration of certain births and deaths.

26. Notwithstanding anything in section 19, the Governor General in Council may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

D.—Penalty for False Information.

Penalty for wilfully giving false information.

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

E.—Correction of Errors.

Correction of entry in register of

28. (*1*) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth

birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction. births or deaths.

(*2*) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

29. After section 13 of Act III of 1872 [a] (*to provide a form of marriage in certain cases*) the following section shall be inserted, namely:— Addition of new section after section 13, Act III of 1872.

"13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time directs, a true copy certified by him, in such form as the Governor General in Council, from time to time prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals." Transmission of certified copies of entries in marriage-certificate book to the Registrar General of Births, Deaths and Marriages.

XV of 1872. **30.** In the Indian Christian Marriage Act, 1872,[b] the following amendments shall be made, namely:— Amendment of the Indian Christian Marriage Act, 1872.

(*a*) at the end of section 3, the words "'Registrar General of Births, Deaths and Marriages' means

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 302.
[b] For Act XV of 1872 see the revised edition, as modified up to 1st April, 1891, published by the Legislative Department.

means a Registrar General of Births, Deaths and Marriages. appointed under the Births, Deaths and Marriages Registration Act, 1886," shall be added; VI of 1886.

(*b*) for the words "Secretary to the Local Government", wherever they occur, and for the words "Secretary to a Local Government" in section 79, the words "Registrar General of Births, Deaths and Marriages" shall be substituted;[a]

(*c*) in section 81, after the words "Registrar General of Births, Deaths and Marriages" the words "in England" shall be added.

Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865. Transmission of certified copies of certificates in marriage register to Registrar General of Births, Deaths and Marriages.

31. After section 8 of the Parsi Marriage and Divorce Act, 1865,[b] the following section shall be inserted, namely:— XV of 1865.

"8A. Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay, shall, at such intervals as the Governor General in Council from time to time directs, send to the Registrar General of Births, Deaths and Marriages for the territories administered by the Local Government by which he was appointed a true copy certified by him, in such form as the Governor General, from time to time prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals."

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

Permission to persons having

32. If any person in British India, or in the dominions of any Prince or State in India in alliance with

[a] Clause (*c*), repealed by Act II of 1891, s. 4 (*2*), is omitted.
[b] Printed, General Acts, 1834-66, Ed. 1887, p. 530.

with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes referred to in section 11, sub-section (*1*), or of any register or record of marriage of any persons of the classes to which Act III of 1872[a] or the Indian Christian Marriage Act, 1872,[b] or the Parsi Marriage and Divorce Act, 1865,[c] applies, and if such register or record has been made otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, [d] at any time before the first day of April, 1891,[d] send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the Gazette of India, directs in this behalf.

XV of 1872
XV of 1865

custody of certain records to send them within one year to Registrar General.

33. (*1*) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

Appointment of Commissioners to examine registers.

(*2*) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

34. (*1*) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 32;

Duties of Commissioners.

and

[a] Printed, General Acts, 1867-76, Ed. 1887, p 302

[b] For Act XV of 1872 see the revised edition, as modified up to 1st April, 1891, published by the Legislative Department

[c] Printed, General Acts, 1834-66, Ed 1887, p 530.

[d-d] These words were substituted for the original words by Act XVI of 1890, s 1.

and shall deliver to the Registrar General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(*2*) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(*3*) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

Searches of lists prepared by Commissioners and grant of certified copies of entries.

35. (*1*) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

(*2*) A copy of an entry given under this section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer or person authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

Constitution of additional commissions for purposes of this Chapter.

[*] **35A.** (*1*) The Governor General in Council, if he thinks fit, may, by notification in the Gazette of India, appoint more commissions than one for the purposes of this Chapter, each such commission consisting of so many and such members as he may, by a like

[*] Section 35A was added by Act XVI of 1890, s. 2.

a like notification, nominate thereto by name or by office, and having its functions restricted to the disposal, under this Act and the rules thereunder, of the registers or records sent under section 32 to such Registrar General or Registrars General as the Governor General in Council may, by a like notification, specify in this behalf.

(*2*) If more commissions than one are appointed in exercise of the power conferred by sub-section (*1*), then references in this Act to the Commissioners shall be construed as references to the members constituting a commission so appointed.

CHAPTER VI.

RULES.

Power for Governor General in Council to make rules.

36. In addition to any other power to make rules impliedly or expressly conferred by this Act, the Governor General in Council may make rules—

(*a*) to fix the fees payable under this Act;

(*b*) to prescribe the forms required for the purposes of this Act;

(*c*) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;

(*d*) to prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them:

(*e*) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to

to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate;

(*f*) to prescribe the custody in which those registers or records are to be kept; and,

(*g*) generally, to carry out the purposes of this Act.

Procedure for making and publication of rules

37. (*1*) The Governor General in Council shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under this Act shall be published in the Gazette of India, and the publication in the Gazette of India of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made.

Government of India Central Printing Office.—No. 133 L D.—30-6-91—4,500.—N P.